

The Associated Students of The University of Montana
Resolution Regarding HB 228
March 11, 2008
Senate Bill Number SB 46-08/09
Authored by: Siri Smillie, ASUM Vice President
Trevor Hunter, ASUM President

Whereas, the University of Montana serves as home, work, and school for thousands of students, faculty, and staff;

Whereas, the Montana Board of Regents have a policy prohibiting the carrying of concealed weapons on Montana campuses;

Whereas, the Associated Students of The University of Montana (ASUM) recognize and respect the rights of law-abiding citizens of Montana to keep and bear arms provided by the 2nd Amendment of the United States Constitution;

Whereas, the current law of the State of Montana allows for citizens with a permit to carry concealed weapons;

Whereas, HB 228, proposed by Representative Krayton Kerns and passed by the 2009 Montana House of Representatives on February 10, 2008, seeks to make many changes to Montana law regarding access to and use of weapons,

Whereas, passage of HB 228 would allow anyone, including convicted felons, to carry concealed weapons in Montana cities and towns without a permit;

Whereas, passage HB 228 allows individuals to brandish a weapon without being prosecuted;

Whereas, HB 228 makes it lawful to respond in self-defense with deadly force to the display of a weapon;

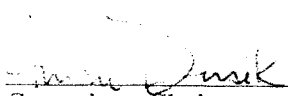
Whereas, students have the right to feel safe on campus and in their communities;

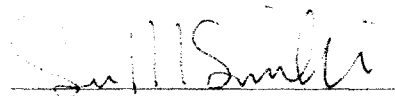
Therefore Let It Be Resolved, that ASUM oppose HB 228;

Therefore Let It Be Further Resolved, that the ASUM Lobbyist will work to defeat HB 228.

Passed by Committee: March 4, 2008

Passed by Senate: March 11, 2008


Committee Chair
Andrew Dusek


Chair of the Senate
Siri Smillie

On behalf of the international students of the University of Montana, I would like to speak to the concerns HB 228 brought upon us.

The University of Montana is a home for over 300 international students from over 50 countries. Most of us, who are studying in the four year programs and exchange programs here at the U of M, chose the University of Montana as the place surrounded by friendly people and primarily, safe Missoula community. I and hundreds of more international students compared crime rates across universities, before choosing to come here.

It is crucial for our families, parents, brothers and sisters to know that we, as students who are miles away from our homes, are safe on campus and in the community. That is why my parents from Kazakhstan and hundreds of other parents from other countries chose to send their children to Missoula. HB 228 will directly affect our families in many counties across the globe.

With HB 228, you would take away this safety and comfort bubble that current international students live with on campus and in the Missoula community. You would scare prospective international students, who would not put the University of Montana on their list of choices. And with such end results, you will see how diversity will quickly start disappearing from the University of Montana campus.

Again, look at what HB 228 does and think about how this is affecting not just the Missoula community, college campus community, in-state students, out-of-state students, but also how this is affecting people in different parts of the world.

Thanks,

Adina Kaliyeva

If you have any questions, please feel free to call me at (406) 880-1911

March 16, 2009

Chairman Perry and Members of the Senate Judiciary Committee,

My name is Siri Smillie and I am a lifelong resident of Montana, currently a student at The University of Montana, and serving as the Vice President of The Associated Students of The University of Montana (ASUM). Growing up in Billings, with friends and relatives who hunt and value their right to keep and bear arms, I believe that Second Amendment Rights are about as sacred of a Montana value as one will find. However, House Bill 228 goes far beyond guaranteeing those Second Amendment rights to Montana citizens.

I strongly urge you to oppose HB 228 – Citizen self-defense and firearm rights, in my capacity as a resident of Montana and also as a student leader at one of our state's flagship public universities. As it stands, the process for obtaining a concealed weapons permit prohibits convicted felons, as well as registered violent and sexual offenders, from legally carrying concealed weapons. I will not feel safe in my own state and in my own hometown if I know that these types of people may be hiding a knife or gun under their coat pocket. As law enforcement and public attorneys have noted, only when these criminals use the weapons they are concealing may they be charged with a crime. This does not constitute crime prevention, but in fact makes it easier for hot-tempers to flare and result in violence and in some cases, lethal violence.

Recently, our student senate had a lengthy discussion about HB 228 and its implications in the everyday lives of students – both those from Montana and those who come to the University from out-of-state, as well as international exchange students. Overwhelmingly, the ASUM Senate opposed the bill, for reasons that varied from personal experiences with domestic abuse, living in urban areas with high crime rates, and an overall fear that the law may open a Pandora's Box that excuses criminal activity and makes it difficult or impossible to prosecute violent offenders. When parents send their children off to college, their number one concern is the safety of their children who are no longer under the watchful and protective eye of their parents.

Students are also entitled to feel safe in the communities they choose to learn in. No other state has laws as broad as this legislation, and if HB 228 becomes law, current students will be inclined to move to schools in other states, or prospective students may not choose to come here at all. This would be a great loss to our campus and our state. Again, I ask you to **please oppose HB 228**.

Sincerely,

Siri Smillie
ASUM Vice President
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406.243.2037 (w)
406.698.6729 (c)



Montana Associated Students of the Montana University System

March 17, 2009

Chairman Perry and Honorable Members of the Senate Judiciary Committee,

My name is Trevor Hunter and I have the privilege of serving as the President of the Montana Associated Students (MAS) of the Montana University System as well as President of the Associated Students of the University of Montana (ASUM). For those of you who may not be aware, MAS is the combined student governments of the eleven campuses of the Montana University System, representing over 40,000 students. MAS advises the Board of Regents regarding matters that directly and indirectly affect Montana students as well as works collaboratively with the Office of the Commissioner of Higher Education.

I write to you today to express my opposition to House Bill 228, short titled "Citizen Self-Defense and Firearm Rights". On March 11th, the ASUM Senate voted to oppose HB228 because of the possible implications and unforeseen effects this bill may have on the communities in which students live while pursuing higher education in the State of Montana. Additionally, the ASMSU Senate voted to oppose HB228 on March 12th. It is clear that students around the state are realizing the wide sweeping changes to Montana Code and case law that HB228 could have.

I was raised in Kalispell, MT and have had a healthy respect for the 2nd Amendment my entire life, while also enjoying recreation trap and skeet shooting sports in the spring. I believe that HB228 stretches far beyond the confines of access and rights to firearms, rather perceivably moving towards encouraging violence and overdramatically providing for a citizens right to self-defense. Montana currently has an effective and responsible system in place for allowing for the concealment and carry of weapons through its application and screening process, which will be removed according to "New Section 3" of HB228, allowing anyone to carry and conceal a weapon, including felons (45-8-316). This section even allows a citizen to brandish a weapon for "defensive" purposes by "holding a firearm in a position so that the firearm does not point directly at another person" – this goes way beyond the confines of defense; this is pure aggression and offense.

From a students' perspective, this bill is even more troublesome. As students, we have a right to feel safe in our communities while attending one of Montana's University's, College of Technology, or Community Colleges. This bill will create a community that allows its citizens to conceal and carry weapons (45-8-316), brandish weapons for "defensive" purposes (new section 3), and gives citizens the right to fight and use deadly force if necessary (new section 2). I full heartedly believe that this bill will have a detrimental effect on the number of out-of-state, or in-state for that matter, students who choose to come to school in Montana.

It is especially troublesome to me to see groups such as the Montana Association of Chiefs of Police, the Montana Police Protective Association, the Montana County Attorney's Association, and Montana Sheriff's and Peace Officers Association, among many others, actively opposing a bill of this nature. These groups represent the people who are either designed to protect us and defend us, on the streets or in courts, as Montana citizens and it is truly worrisome when they oppose HB228 – to me, this shows just how broad, unnecessary, and over-reaching this bill is.

I understand the intent of this bill to be providing for a healthier interpretation of the 2nd Amendment and gun rights in general, but I would argue that Montana has a strong history of supporting gun rights and access, and this bill simply takes the issue too far. **I respectfully urge a NO vote on HB228.** Thank you for your careful consideration.

Regards,

Trevor Hunter
MAS President

University of Montana
Missoula, MT

Montana State University
Bozeman, MT

Dawson Community College
Glendive, MT

*Great Falls College
of Technology—MSU*
Great Falls, MT

Montana Tech
Butte, MT

Montana State University
Billings, MT

Flathead Valley Community College
Kalispell, MT

*Helena College of
Technology—UM*
Helena, MT

Montana Western
Dillon, MT

*Montana State University -
Northern*
Havre, MT

Miles City Community College
Miles City, MT

Good morning. For the record, my name is Mary Martin. I am a student at the University of Montana, and am involved in the Associated Students of the University of Montana, Delta Gamma sorority, Davidson Honors College, Alpha Lambda Delta Honors Society member, Teaching Assistant for an Anatomy and Physiology lab, Science Fair judge, and Exercise Science Club member. I would like to show my opposition to HB 228.

I represent many students at the U not only because of ASUM, but because of my active involvement across campus. I also represent students that have dealt with domestic violence.

Despite the fact that it looks like my life is put together, a few years ago that wasn't the case.

My family and I are victims of domestic violence. When you see us, you have no clue. We look like a normal family with a roof over our heads and a healthy drive to do too much with our time.

But over Easter weekend, 2005, my life and my family's were threatened. My mom had been seeing a man that seemed nice enough; he even worked in a law office. But that weekend he snapped. He'd been slowly isolating my mom from contact with any of her friends, and one of her acquaintances called that morning. Our life soon became a degree of hell very quickly. At the time, I was 16 years old. My two sisters were 14 and 6 years old.

The man stormed out of the house in a rage to his apartment, and my mom soon followed him to talk to him. I really didn't think much of it because people get into fights sometimes. I was only thinking verbal fights, however. That week he threatened my family's lives, and assaulted my mom.

She finally called the police, got him arrested, and pressed charges. It was a very long process to actually get him into prison. He finally is, and she actually sleeps at night now. He got 61 years in prison, 20 of which were because he was using a gun when he assaulted my mom and threatened her family.

Frankly, what concerns our family right now is that if this bill passes, people that find themselves in this type of situation won't be able to press charges. This bill allows the offender to say that the gun was present for self defense. Many people are under the misconception that it would allow the victim to say that a weapon was present for self defense; however, victims can already do so through laws already enacted.

I would also like to address how the prosecuting attorney's office would handle such violent cases in the future. The prosecuting attorney's office would be charged with proving that the gun was not used in self defense by the offender. There is not a high success rate projected for this, as resources are extremely limited. If the case is not won by the PA, the government (aka tax dollars) pays the defense attorney's fees. Most likely, the PA would only take one of these cases after the bill is passed just to prove the low success rate and the high price tag.

The PA would then decline to press charges for clients if a gun is involved in a domestic violence case. **These are some of the most serious cases that can ultimately progress into homicides.** Why wouldn't we want to protect these people and their children?? The serious

ramifications need to be considered when looking at the bill from a domestic violence victim's eyes.

As I am a student as well, I'd like to address the student opposition to this bill. At our most recent ASUM meeting, we had a campus safety officer come and talk to us, and he ended up addressing this bill for some of it. He stated that, "we didn't need to worry about it because it doesn't affect students." WRONG. Just because guns are not allowed on our campus right now does not in any way mean students aren't affected! About 80% of students at the UM live off campus. And if a student does live on campus, **it doesn't mean that they stay on campus 24/7.** Guns will be carried more by more people if this bill is passed. It is a basic case of bringing a knife to a gun fight. If someone knows that another person is carrying a gun, they won't feel safe unless they have one too. The right to carry a gun is a privilege. I am not against guns and gun rights despite my past encounters. I grew up in Montana, and my family hunts. However, there is no point to having anyone walk around on the street of a populated city with a gun. In this state, we use guns to hunt and protect our families.

Please consider opposing this bill. I cannot image why it has gone through one body of legislation without getting killed. Our student government found many problems with it just in a half hour discussion. Do not be fooled by those saying it is a "pro-guns" bill. It is not. Please oppose this bill. Thank you for your time and attention.